

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

RECEIVED

MAY 03 2010

OMAR TORRES-MONTALVO, *

Defendant-Petitioner, *

Vs. *

UNITED STATES OF AMERICA, *

Plaintiff-Respondent. *

AT 8:30 _____ M
WILLIAM T. WALSH, CLERK

CRIMINAL NO. 95-70 (MTB)

NOTICE TO THE COURT

COMES NOW, the Defendant-Petitioner, OMAR TORRES-MONTALVO,
pro se, before the Honorable Court, and hereby files the forgoing
Notice to the Court, and in support, states the following facts:

On March 15, 2010, Defendant-Petitioner filed a Rule 35(b) Motion for Reduction of Sentence, along with a Rule 17(b) Ex Parte Motion for Issuance of Subpoena Duces Tecum, and a Motion for Leave to Proceed In Forma Pauperis.

On April 21, 2010, the government responded to Defendant-Petitioner's said motions, by way of personal letter to the Honorable Jose L. Linares, in lieu of a more formal submission in response.

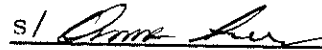
Defendant-Petitioner would like an opportunity to respond to and address objections to the government's letter, and humbly requests a 30 day window in order to do so, as law library access is limited.

Defendant-Petitioner shall file his response on or before May 27, 2010, time being of the essence.

Defendant-Petitioner files this notice to the Court, in good faith and clean hands.

WHEREFORE, Defendant-Petitioner prays, that this Honorable Court will accept this Notice to the Court, and allow Defendant-Petitioner to file his response on or before May 27, 2010, and or any other relief deemed just and proper that he may be so entitled, without prejudice.

Respectfully submitted,

s/ 

Omar Torres-Montalvo, pro se
#25971-037 Live Oak B
Federal Correctional Inst.
P.O. Box 4200
Three Rivers, TX 78071

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that a copy of the forgoing has been hand delivered to prison authorities on this 27th day of April, 2010, to be forwarded by pre-paid First Class U.S. Mail to:

United States Attorney's Office
Peter Rodino Federal Building
970 Broad Street, Suite 700
Newark, NJ 07102

s/ 

Omar Torres-Montalvo, pro se
Same as above.

SO ORDERED: 

DATED: 5-5-10

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WILLIAM T. WALSH, CLERK